

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KENNETH FRANCIS

CIVIL ACTION

VERSUS

NO. 16-12067

JERRY GOODWIN, WARDEN

SECTION "R" (3)

ORDER AND REASONS

The Court dismissed Kenneth Francis's petition for habeas corpus relief¹ and denied petitioner's motion to proceed *in forma pauperis* on appeal.² The Court now denies a certificate of appealability.

Rule 11 of the Rules Governing Section 2254 Proceedings provides that "[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. Before entering the final order, the court may direct the parties to submit arguments on whether a certificate should issue." Rules Governing Section 2254 Proceedings, Rule 11(a). A court may issue a certificate of appealability only if the petitioner makes "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); Rules Governing Section 2254 Proceedings, Rule 11(a) (noting that § 2253(c)(2) supplies the controlling standard). The "controlling

¹ R. Doc. 20

² R. Doc. 27.

standard” for a certificate of appealability requires the petitioner to show “that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented [are] ‘adequate to deserve encouragement to proceed further.’” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003).

For the reasons articulated in the Court’s order denying leave to proceed *in forma pauperis*, Francis has not made a substantial showing of the denial of a constitutional right. The Court will not issue a certificate of appealability.

New Orleans, Louisiana, this 25th day of July, 2017.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE